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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,556	11/22/2000	Stephen G. Perlman	004259-P009	5172

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EXAMINER	
BOCCIO, VINCENT F	
ART UNIT	**PAPER NUMBER**
2621	

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/721,556	PERLMAN ET AL.	
	Examiner	Art Unit	
	Vincent F. Boccio	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *Amendment & response of 5/24/06*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-11 and 13-18* is/are rejected.

7)☒ Claim(s) *3 and 12* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2621.

Conclusion

1. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 7 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites, "store uncompressed in an interim buffer", while claim 7, recites, "compress before the interim buffer".

Claim 7 broadens claim 1, also the same for claim 16 in view of claim 10.

If applicant has support, compression to interim, can be claimed as an alterative path, thereby the dependent claims would narrow the previous claims, instead of dependent claims broadening previous claims, which renders the dependent claims to be indefinite.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United

States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 10-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawamura et al. (US 6,931,658).

Regarding claims 1 and 10, Kawamura discloses a multimedia apparatus and meets the limitations associated with a method and apparatus:

- a mass storage device (Fig. 4) to store uncompressed and compressed multimedia content;
- compression logic having a processor configured to,
  - o store uncompressed content in an interim buffer, as a background task (ring buffer 5, col. 6, lines 21-24);
  - o compress (transfer from 5 to 6 to 8), the uncompressed (8), responsive to user request (col. 6, line 43 to col. 7, lines 25, either "5 to 8 to 4 to 3" or "5 to 6 to 8 to 9 to 4/7", based on an on demand request from a user); and storage of the compressed content in long term multimedia buffer (6 and/or 7) on the mass storage device.

Regarding claims 2 and 11, Kawamura further meets the limitation of generating a stream of compressed content from the long-term multimedia buffer (6) to a decompression module (9) to a multi-media rendering device responsive to a user request to view the content.

It is noted that in accord to claim 4, multimedia content is defined by the claim to be video content.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 4-6, 8-9, 13-15 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamura et al. (US 6,931,658).

Regarding claims 4-6 and 13-15, Kawamura meets the limitation of wherein the multimedia is video content, but fails to disclose wherein:

- the content is broadcast content, from a cable TV provider or a Web-cast over a data network.

The examiner takes official notice that content from a cable network or Web-cast are known sources of content and therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Kawamura by incorporating utilizing different sources of content such as from a cable provider or Web-cast and perform on-demand requests for content, on the image on-demand transmitting device of Kawamura, as is obvious to those skilled that other sources of content users may perform receiving of images that are preceding or succeeding a particular frame for viewing (abstract Kawamura), as is deemed obvious to retrieve previous images, as desired and later to a point in time, as taught by Kawamura.

Regarding claims 8-9 and 17-18, Kawamura fails to disclose ADPCM or adaptive differential pulse code modulation logic and digital video DV25 compression.

The examiner takes official notice that ADPCM and DV25 are well known and obvious standards which are deemed well known and therefore, it would have been obvious to one skilled in the art at the time of the invention to utilize established standards

such as DV25 and ADPCM, as is obvious the those skilled in the art to utilize and conform with well known standards.

Allowable Subject Matter

4. Claims 3 (which is a combination of claims 3+2+1) and 12 (which is a combination of claims 12+11+10) are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art fails to teach, suggest or disclose:

- automatically streaming the uncompressed content remaining in the interim buffer directly to the multimedia rendering device once the compressed content stored in the long term buffer has been streamed to the rendering device.

Contact Fax Information

Any response to this action should be faxed to:

(571) 273-8300, for communication as intended for entry, this Central Fax Number as of 7/15/05

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent
8/6/06

VINCENT BOCCIO
PRIMARY EXAMINER